

Message

---

**From:** Fuld, John [Fuld.John@epa.gov]  
**Sent:** 9/14/2021 8:10:41 PM  
**To:** Sullivan, Melissa [sullivan.melissa@epa.gov]; Risley, David [Risley.David@epa.gov]  
**CC:** Milbourn, Cathy [Milbourn.Cathy@epa.gov]  
**Subject:** RE: Media Inquiry: ELG Rule Compliance Questions

I will ask

---

**From:** Sullivan, Melissa <sullivan.melissa@epa.gov>  
**Sent:** Tuesday, September 14, 2021 4:08 PM  
**To:** Fuld, John <Fuld.John@epa.gov>; Risley, David <Risley.David@epa.gov>  
**Cc:** Milbourn, Cathy <Milbourn.Cathy@epa.gov>  
**Subject:** Re: Media Inquiry: ELG Rule Compliance Questions

Hi John and David,

OLEM believes the below is for OW. It is a follow-up question from The Charleston Gazette.

Deadline is as soon as possible.

Does EPA know (or would DEP know) whether Appalachian Power and Wheeling Power properly incorporated transfer provisions under Section 423.13(o) to be able to transfer out of the permanent cessation of coal combustion subcategory at a later date?

Thank you,  
Melissa

On Sep 14, 2021, at 3:57 PM, Taylor, Trish <[Taylor.Trish@epa.gov](mailto:Taylor.Trish@epa.gov)> wrote:

Hi Melissa,  
The first question should go to OW, but we are working on the second question regarding applications.

---

**From:** Sullivan, Melissa <[sullivan.melissa@epa.gov](mailto:sullivan.melissa@epa.gov)>  
**Sent:** Tuesday, September 14, 2021 3:37 PM  
**To:** Colip, Matthew <[colip.matthew@epa.gov](mailto:colip.matthew@epa.gov)>  
**Cc:** Taylor, Trish <[Taylor.Trish@epa.gov](mailto:Taylor.Trish@epa.gov)>; Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>  
**Subject:** Re: Media Inquiry: ELG Rule Compliance Questions

ASAP.

On Sep 14, 2021, at 3:30 PM, Colip, Matthew <[colip.matthew@epa.gov](mailto:colip.matthew@epa.gov)> wrote:

What's the deadline ?

Matt

---

**From:** Sullivan, Melissa <[sullivan.melissa@epa.gov](mailto:sullivan.melissa@epa.gov)>  
**Sent:** Tuesday, September 14, 2021 12:27 PM  
**To:** Colip, Matthew <[colip.matthew@epa.gov](mailto:colip.matthew@epa.gov)>  
**Cc:** Taylor, Trish <[Taylor.Trish@epa.gov](mailto:Taylor.Trish@epa.gov)>; Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>  
**Subject:** Re: Media Inquiry: ELG Rule Compliance Questions

Good afternoon Matt,

The response was sent to reporter.

He has two follow-ups. Can OLEM answer the below?

Following up, does EPA know (or would DEP know) whether Appalachian Power and Wheeling Power properly incorporated transfer provisions under Section 423.13(o) to be able to transfer out of the permanent cessation of coal combustion subcategory at a later date? Also, can EPA confirm that Appalachian Power and Wheeling Power submitted requests to extend the CCR rule deadline?

Thank you,  
Melissa

On Sep 13, 2021, at 1:25 PM, Colip, Matthew  
<[colip.matthew@epa.gov](mailto:colip.matthew@epa.gov)> wrote:

Melissa – thanks

Matt

---

**From:** Sullivan, Melissa <[sullivan.melissa@epa.gov](mailto:sullivan.melissa@epa.gov)>  
**Sent:** Monday, September 13, 2021 1:10 PM  
**To:** Colip, Matthew <[colip.matthew@epa.gov](mailto:colip.matthew@epa.gov)>  
**Cc:** Taylor, Trish <[Taylor.Trish@epa.gov](mailto:Taylor.Trish@epa.gov)>; Harwood, Jackie  
<[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>  
**Subject:** Re: Media Inquiry: ELG Rule Compliance Questions

Matt,

OECA is still working on their portion.

If/when approved, the entire response will be shared with reporter.

Thank you,  
Melissa

On Sep 13, 2021, at 12:23 PM, Colip, Matthew  
<[colip.matthew@epa.gov](mailto:colip.matthew@epa.gov)> wrote:

Circling back on this ---

Did the blurb we submitted on CCR go out? Did  
OECA review/approve it? I'm going through emails  
trying to get latest on this, I know it's due today

Matt

---

**From:** Taylor, Trish <[Taylor.Trish@epa.gov](mailto:Taylor.Trish@epa.gov)>  
**Sent:** Friday, September 10, 2021 4:06 PM  
**To:** Sullivan, Melissa <[sullivan.melissa@epa.gov](mailto:sullivan.melissa@epa.gov)>  
**Cc:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>; Colip,  
Matthew <[colip.matthew@epa.gov](mailto:colip.matthew@epa.gov)>  
**Subject:** RE: Media Inquiry: ELG Rule Compliance  
Questions

Thanks Melissa!

---

**From:** Sullivan, Melissa <[sullivan.melissa@epa.gov](mailto:sullivan.melissa@epa.gov)>  
**Sent:** Friday, September 10, 2021 3:56 PM  
**To:** Taylor, Trish <[Taylor.Trish@epa.gov](mailto:Taylor.Trish@epa.gov)>  
**Cc:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>  
**Subject:** RE: Media Inquiry: ELG Rule Compliance  
Questions

Hi again, Trish:

The reporter granted an extension to Monday so OECA  
can have more time to respond.

We will include OLEM's response with OECA's on  
Monday.

Thank you,  
Melissa

Melissa A. Sullivan (She/Her/Hers)  
Office of Public Affairs  
U.S. Environmental Protection Agency  
202 913 3840  
[Sullivan.Melissa@epa.gov](mailto:Sullivan.Melissa@epa.gov)

---

**From:** Sullivan, Melissa  
**Sent:** Friday, September 10, 2021 3:40 PM  
**To:** Taylor, Trish <[Taylor.Trish@epa.gov](mailto:Taylor.Trish@epa.gov)>  
**Cc:** Harwood, Jackie <[Harwood.Jackie@epa.gov](mailto:Harwood.Jackie@epa.gov)>  
**Subject:** Re: Media Inquiry: ELG Rule Compliance  
Questions

Hi Trish,

The response is awaiting OPA approval.

OECA is still working on their portion of the response.

Thank you,  
Melissa

On Sep 10, 2021, at 3:39 PM, Taylor,  
Trish <[Taylor.Trish@epa.gov](mailto:Taylor.Trish@epa.gov)> wrote:

Hi Melissa,

Do you know if this was sent to the  
reporter and should we expect an  
updated article?

Thanks,  
Trish

---

**From:** Colip, Matthew  
<[colip.matthew@epa.gov](mailto:colip.matthew@epa.gov)>  
**Sent:** Thursday, September 9, 2021 7:14  
PM  
**To:** Carroll, Timothy  
<[Carroll.Timothy@epa.gov](mailto:Carroll.Timothy@epa.gov)>; White,  
Terri-A <[White.Terri-A@epa.gov](mailto:White.Terri-A@epa.gov)>  
**Cc:** Hull, George  
<[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Landis, Jeffrey  
<[Landis.Jeffrey@epa.gov](mailto:Landis.Jeffrey@epa.gov)>; Sullivan,  
Melissa <[sullivan.melissa@epa.gov](mailto:sullivan.melissa@epa.gov)>;  
Milbourn, Cathy  
<[Milbourn.Cathy@epa.gov](mailto:Milbourn.Cathy@epa.gov)>; EPA Press  
Office <[Press@epa.gov](mailto:Press@epa.gov)>; Taylor, Trish  
<[Taylor.Trish@epa.gov](mailto:Taylor.Trish@epa.gov)>; Manges, Ellen  
<[Manges.Ellen@epa.gov](mailto:Manges.Ellen@epa.gov)>; Benjamin,  
Kent <[Benjamin.Kent@epa.gov](mailto:Benjamin.Kent@epa.gov)>  
**Subject:** RE: Media Inquiry: ELG Rule  
Compliance Questions

Below is OLEM's recommended  
response:

EPA continues to evaluate the  
requests facilities submitted for  
extensions to the April 11, 2021  
deadline of when unlined coal

combustion residual (CCR) surface impoundments must stop receiving waste. EPA is carefully reviewing the requests and will be making thoughtful decisions on them. Until final determinations are made, the deadline to stop placing waste into unlined CCR surface impoundments is paused for the facilities that have submitted extension requests. The deadline pause only applies to the surface impoundments for which a facility submitted an extension request.

Ex. 5 Deliberative Process (DP)

**Ex. 5 Deliberative Process (DP)**

---

**From:** Carroll, Timothy  
<Carroll.Timothy@epa.gov>  
**Sent:** Thursday, September 09, 2021  
4:43 PM  
**To:** White, Terri-A <White.Terri-A@epa.gov>  
**Cc:** Hull, George  
<Hull.George@epa.gov>; Colip,  
Matthew <colip.matthew@epa.gov>;  
Landis, Jeffrey  
<Landis.Jeffrey@epa.gov>; Sullivan,  
Melissa <sullivan.melissa@epa.gov>;  
Milbourn, Cathy  
<Milbourn.Cathy@epa.gov>; EPA Press  
Office <Press@epa.gov>  
**Subject:** Re: Media Inquiry: ELG Rule  
Compliance Questions

Thanks, HQ can handle. Would you like us to get back with the reporter when we have a response or would you rather it come from the region?

George and Matt, can you check in on the questions below and share with this group? Also adding Melissa and Cathy for awareness.

---

**From:** White, Terri-A <White.Terri-A@epa.gov>  
**Sent:** Thursday, September 9, 2021 4:05

PM

**To:** EPA Press Office <[Press@epa.gov](mailto:Press@epa.gov)>

**Cc:** Hull, George

<[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Colip,

Matthew <[colip.matthew@epa.gov](mailto:colip.matthew@epa.gov)>;

Landis, Jeffrey

<[Landis.Jeffrey@epa.gov](mailto:Landis.Jeffrey@epa.gov)>

**Subject:** FW: Media Inquiry: ELG Rule  
Compliance Questions

Hi DC Colleagues,

See media inquiry below. We checked with our Enforcement Division and Regional Counsel's Office and were advised that this is best handled by HQ (OECA for Qs 1 and 2, and OLEM for Q3). Please confirm that you will handle. Thanks!

*Terri*

Terri A. White

Chief, Communications Branch

Office of Public Affairs

EPA Region 3

215-814-5523

[white.terri-a@epa.gov](mailto:white.terri-a@epa.gov)

---

**From:** Seneca, Roy

**Sent:** Thursday, September 09, 2021

3:02 PM

**To:** Landis, Jeffrey

<Landis.Jeffrey@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>  
Cc: Nitsch, Chad <Nitsch.Chad@epa.gov>; Garcia, Beth <garcia.beth@epa.gov>  
**Subject:** Media Inquiry: ELG Rule Compliance Questions  
**Importance:** High

Jeff or Terri – In follow-up to Karen's recommendation, can one of you forward this to the appropriate press contact in HQ. Also please let me know who the HQ press contact is so I can pass it on to reporter Mike Tony. Thanks. -- Roy

---

**From:** Mike Tony <mtony@hdmediallc.com>  
**Sent:** Thursday, September 09, 2021 12:34 AM  
**To:** White, Terri-A <White.Terri-A@epa.gov>; Seneca, Roy <Seneca.Roy@epa.gov>; Sternberg, David <Sternberg.David@epa.gov>  
**Subject:** ELG Rule Compliance Questions

Hope you're doing well. I'm working on a story on the Appalachian Power and Wheeling Power electric utilities requesting that the West Virginia Public Service Commission reopen a case in which they're seeking approval for implementation of and cost recovery for compliance with the EPA's coal combustion residual and effluent limitation guidelines at three different in-state coal-fired power plants. I have the following questions that I was hoping you could provide responses for by my

deadline of 3:30 p.m. today. Thank you very much regardless.

1. The utilities say that there is an Oct. 13 deadline for them to notify the West Virginia Department of Environmental Protection whether they intend to retire the plants to comply with the ELG rule. Is that true, and if so, can that deadline be extended?
2. If the Companies later decide not to complete ELG compliance improvements for some units, will they be required to cease coal operations at those units by each unit's ELG compliance deadline (June 30, 2023 for Mitchell, Dec. 31, 2022 for Amos and June 1, 2022 for Mountaineer)?
3. Is it true, as the utilities report, that the EPA has tolled an April 11, 2021 deadline date to begin closing bottom ash ponds at the three coal-fired power plants (the Amos, Mitchell and Mountaineer facilities) pending its decision on the extension requests and has not issued a decision regarding their requests to extend the CCR rule deadline? (pages 20 and 21 [here](#))

[Sign up for Charleston Gazette-Mail E-Newsletters](#)

Follow The Charleston Gazette-Mail on [Facebook](#) | [Twitter](#) | [Instagram](#)

